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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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POTOMAC PATENT GROUP, PLLC			FOX, BRYAN J	
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FREDERICKSBURG, VA 22404			PAPER NUMBER	
			2686	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,460

Applicant(s)

WENDEL RUP, HEINO

Examiner

Bryan J. Fox

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of Alanara (US006064880A).

Regarding **claims 1 and 15**, Kraft discloses a wireless communication terminal having sorting means for sorting short messages into an appropriate folder for storage (see column 2, lines 46-67), which reads on the claimed "method of storing information from a mobile communications terminal". In this method, a folder, which reads on the claimed "storage location", is provided with sorting means to select short messages (see column 4, lines 29-30), when receiving or sending a short message and a user of the terminal may define certain sorting criteria in the folder (see column 4, lines 34-43),

which reads on the claimed “determining a storage criteria based on predetermined criteria, and storing the information to said storage location”. Kraft fails to disclose storage locations of information for later retrieval by available over the network.

In a similar field of endeavor, Alanara discloses a system where a mobile station may store data on the phone and also may backup the data to the server (see column 5, lines 1-19). The mobile station may later retrieve the backup data from the server (see column 5, line 47 – column 6, line 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Alanara to include the above storage of data at both the mobile station and the server in order to allow a user to restore lost or corrupt data as suggested by Alanara (see column 1, lines 44-63).

Regarding **claim 16**, the combination of Kraft and Alanara discloses that the system is intended for a wireless communication terminal (see Kraft column 2, lines 46-48) and the description mobile phones are used as the wireless communication terminals (see Kraft column 3, lines 51-52).

Regarding **claim 3**, Kraft discloses a system for storing SMS messages where a user can create folders (see column 6, lines 1-21 and figure 4), which read on the claimed “storage locations”, and the user also defines rules for sorting messages to the different folders (see column 4, lines 52-64), which reads on the claimed “storing an order of preference of said storage locations, selected by the user” and “determining a storage location to be used, based on the order of preference of said storage locations”. Kraft also discloses a menu listing the various folders and for the purpose of defining

the parameters associated with the folders (see column 4, lines 44-60), which reads on the claimed “presenting to a user a list of available storage locations”. When a message is received, it is sorted accordingly (see column 5, lines 30-62 and figure 3), which reads on the claimed “storing the information at the used storage location, without informing a user of the mobile communications terminal about the identity of the used storage location”. Kraft fails to disclose storage locations of information for later retrieval by the user available over the network.

In a similar field of endeavor, Alanara discloses a system where a mobile station may store data on the phone and also may backup the data to the server (see column 5, lines 1-19). The mobile station may later retrieve the backup data from the server (see column 5, line 47 – column 6, line 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Alanara to include the above storage of data at both the mobile station and the server in order to allow a user to restore lost or corrupt data as suggested by Alanara (see column 1, lines 44-63).

Regarding **claim 4**, Kraft discloses a system for storing SMS messages where a user can create folders (see column 6, lines 1-21 and figure 4), which read on the claimed “storage locations”, and the user also defines rules for sorting messages to the different folders (see column 4, lines 52-64), which reads on the claimed “determining a preferred storage location selected by the user”. Kraft also discloses a menu listing the various folders and for the purpose of defining the parameters associated with the folders (see column 4, lines 44-60), which reads on the claimed “presenting to a user a

list of available storage locations". When a message is received, it is sorted accordingly (see column 5, lines 30-62 and figure 3), which reads on the claimed "storing the information at a used storage location, without informing the user of the identity of the used storage location". Kraft fails to disclose storage locations of information for later In a similar field of endeavor, Alanara discloses a system where a mobile station may store data on the phone and also may backup the data to the server (see column 5, lines 1-19). The mobile station may later retrieve the backup data from the server (see column 5, line 47 – column 6, line 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Alanara to include the above storage of data at both the mobile station and the server in order to allow a user to restore lost or corrupt data as suggested by Alanara (see column 1, lines 44-63).

Regarding **claim 6**, Kraft discloses a system for storing SMS messages where a user can create folders (see column 6, lines 1-21 and figure 4), which read on the claimed "storage locations", and the user also defines rules for sorting messages to the different folders (see column 4, lines 52-64), which reads on the claimed "selecting a storage location". Kraft also discloses a menu listing the various folders and for the purpose of defining the parameters associated with the folders (see column 4, lines 44-60), which reads on the claimed "list". When a message is received, it is sorted accordingly (see column 5, lines 30-62 and figure 3), which reads on the claimed "storing the information at a used storage location". Kraft fails to disclose storage locations of information for later retrieval by the user available over the network.

In a similar field of endeavor, Alanara discloses a system where a mobile station may store data on the phone and also may backup the data to the server (see column 5, lines 1-19). The mobile station may later retrieve the backup data from the server (see column 5, line 47 – column 6, line 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Alanara to include the above storage of data at both the mobile station and the server in order to allow a user to restore lost or corrupt data as suggested by Alanara (see column 1, lines 44-63).

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of Alanara, and further in view of Jeon (US006205331B1).

Regarding **claim 5**, the combination of Kraft and Alanara fails to teach the storing of information in another location based on availability of storage space.

In a similar field of endeavor, Jeon discloses a paging system where when a page is received, one storage location is checked for space (see step 51, figure 3). If space is available there, the paging data is stored there (see step 55, figure 3), which reads on the claimed "storing the information at a first preferred storage location...if sufficient storage is available there", however, if space is not available the one storage location, a second location is checked for storage space (see figure 3, step 53) and if space is available there, the paging data is stored there (see figure 3, step 54), which reads on the claimed "storing the information at a second preferred storage location...if insufficient storage is available at the first preferred storage location".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kraft and Alanara to include the above checking for available storage disclosed by Jeon in order to utilize the available memory optimally and minimize any possibility of erasing important information desired by the user.

Regarding **claim 7**, Kraft discloses a system for storing SMS messages where a user can create folders (see column 6, lines 1-21 and figure 4), which read on the claimed "storage locations", and the user also defines rules for sorting messages to the different folders (see column 4, lines 52-64), which reads on the claimed "storing the information at a first preferred location". Kraft also discloses a menu listing the various folders and for the purpose of defining the parameters associated with the folders (see column 4, lines 44-60), which reads on the claimed "presenting to a user a list of available storage locations". Kraft fails to disclose storage locations of information for later retrieval by the user available over the network.

In a similar field of endeavor, Alanara discloses a system where a mobile station may store data on the phone and also may backup the data to the server (see column 5, lines 1-19). The mobile station may later retrieve the backup data from the server (see column 5, line 47 – column 6, line 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Alanara to include the above storage of data at both the mobile station and the server in order to allow a user to restore lost or corrupt data

as suggested by Alanara (see column 1, lines 44-63). The combination of Kraft and Alanara fails to expressly disclose checking for available storage.

In a similar field of endeavor, Jeon discloses a paging system where when a page is received, one storage location is checked for space (see step 51, figure 3). If space is available there, the paging data is stored there (see step 55, figure 3), which reads on the claimed "storing the information at a first preferred storage location...if sufficient storage is available there", however, if space is not available the one storage location, a second location is checked for storage space (see figure 3, step 53) and if space is available there, the paging data is stored there (see figure 3, step 54), which reads on the claimed "storing the information at a second preferred storage location...if insufficient storage is available at the first preferred storage location".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kraft and Alanara to include the above checking for available storage disclosed by Jeon in order to utilize the available memory optimally and minimize any possibility of erasing important information desired by the user.

Claims 8, 10, 11, 13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Smith.

Regarding **claims 8 and 17**, Alanara discloses a system where a mobile station may store data on the phone and also may backup the data to the server (see column 5, lines 1-19). The mobile station may later retrieve the backup data from the server

(see column 5, line 47 – column 6, line 10), which reads on the claimed, “at least one data item stored earlier at the storage location accessible over the mobile communications network was earlier stored at the storage location accessible over the mobile communications network by the mobile communications terminal. Alanara fails to expressly disclose presenting to a user a list of available data items.

In a similar field of endeavor, Smith et al. discloses an information system for mobile phones where a user is presented with a selectable, scrollable list of notification headers for all the received messages (see column 8, lines 36-40 and figure 7A and 7B), which reads on the claimed “presenting to a user a list of available data items”.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alanara with Smith et al to include the above list presentation in order to provide a user interface that allows users to select messages for viewing or manipulation.

Regarding **claim 10**, Alanara fails to disclose presenting the list of available data items, together with an indication of their respective storage locations.

In a similar field of endeavor, Smith et al disclose the use of identification icons 7500 for identifying the type of message (see Smith et al. column 8, lines 40-45 and figures 7A and 7B). Since different types of messages are stored in different locations, such as email messages on the email server and fax messages on the fax server (see Smith et al. figure 5), the icons identifying the type of message are also indicative of the location of the message, which reads on the claimed “presenting the list of available items, together with an indication of their respective storage locations”.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alanara with Smith et al to include the above list presentation in order to provide a user interface that allows users to select messages for viewing or manipulation.

Regarding **claim 11**, the combination of Alanara and Smith et al discloses that the user may restore the data without specifying a server (see Alanara column 5, lines 47-67), which reads on the claimed, "the user can retrieve stored data, without specifying whether the data is stored on the mobile communications device, or on a storage medium connected thereto, or at a remote storage device."

Regarding **claim 13**, Alanara discloses a system where a mobile station may store data on the phone and also may backup the data to the server (see column 5, lines 1-19). The mobile station may later retrieve the backup data from the server (see column 5, line 47 – column 6, line 10), which reads on the claimed, "at least one data item stored earlier by the mobile communications terminal, and at least one data item stored by a central source and accessible by multiple users, wherein the at least one data item stored earlier by the mobile communications terminal is stored at a storage location accessible over the mobile communications network." Alanara fails to expressly disclose presenting to a user a list of available data items.

In a similar field of endeavor, Smith et al. discloses an information system for mobile phones where a user is presented with a selectable, scrollable list of notification headers for all the received messages (see column 8, lines 36-40 and figure 7A and

7B), which reads on the claimed “the mobile communications terminal presenting to a user a list of available data items”.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alanara with Smith et al to include the above list presentation in order to provide a user interface that allows users to select messages for viewing or manipulation.

Regarding **claim 18**, Alanara fails to disclose that the device is a mobile phone.

In a similar field of endeavor, Smith et al disclose the use of a mobile telephone that provides a user friendly interface to facilitate message retrieval (see column 5, lines 9-13 and figure 2).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alanara with Smith et al to include the use of the mobile phone in order to take advantage of the benefits of mobile phones, such as the ability to talk to another person in another location.

Claims 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Smith et al, and further in view of Wicks et al. (US005796394A).

Regarding **claim 9**, the combination of Alanara and Smith et al fails to expressly disclose a system where a user is not informed of the location of information.

In a similar field of endeavor, Wicks et al. discloses a user interface for a personal communications system with an interface that shows icons corresponding to different types of information (see column 7, lines 35-53 and figure 4). However, Wicks

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et al. also discloses that some devices may not have sufficient resolution for such displays so the user interface is simple enough so that a user may operate the interface without visual feedback or with a limited display interface (see column 9, lines 26-31). If the above system does not have the icons, the user would not know the corresponding locations of the information as claimed.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alanara and Smith et al to include the above lower resolution interface disclosed by Wicks et al. in order to provide compatibility with devices not equipped with such high resolution displays as suggested by Wicks et al. (see column 9, lines 19-25).

Regarding **claim 12**, the combination of Alanara and Smith et al fails to expressly disclose that multiple users may access the servers.

In a similar field of endeavor, Wicks et al. discloses a user interface for a personal communications where messages are retrieved from a base station 108 (see column 3, lines 52-60 and figure 1) and multiple users access the base station (see column 7, lines 21-34 and figure 4), which reads on the claimed "items stored centrally on the remote storage device being accessible by multiple users".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alanara and Smith et al to include the above system allowing access by multiple users disclosed by Wicks et al. in order to allow reuse of equipment and provide a cheaper system.

Regarding **claim 14**, the combination of Alanara and Smith et al. fails to expressly disclose a system where a user is not informed of the location of information.

In a similar field of endeavor, Wicks et al. discloses a user interface for a personal communications system with an interface that shows icons corresponding to different types of information (see column 7, lines 35-53 and figure 4). However, Wicks et al. also discloses that some devices may not have sufficient resolution for such displays so the user interface is simple enough so that a user may operate the interface without visual feedback or with a limited display interface (see column 9, lines 26-31). If the above system does not have the icons, the user would not know the corresponding locations of the information as claimed.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Smith et al. and Abe et al. to include the above lower resolution interface disclosed by Wicks et al. in order to provide compatibility with devices not equipped with such high resolution displays as suggested by Wicks et al. (see column 9, lines 19-25).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of Alanara as applied to claim 1 above, and further in view of what was well known at the time of the invention.

Regarding **claim 19**, the combination of Kraft and Alanara fails to expressly disclose maintaining a permanent connection to the mobile communication network when the mobile communications terminal is operational.

The examiner takes official notice that maintaining a permanent connection to the mobile communications network was well known at the time of the invention, as normal operation of the mobile phone would include communication between the phone and the network including, e.g., location updates.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kraft and Alanara to include the above permanent connection to the network in order to allow a user to be contacted at any time.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of Alanara as applied to claim 1 above, and further in view of what was well known at the time of the invention.

Regarding **claim 20**, the combination of Alanara and Smith et al fails to expressly disclose maintaining a permanent connection to the mobile communication network when the mobile communications terminal is operational.

The examiner takes official notice that maintaining a permanent connection to the mobile communications network was well known at the time of the invention, as normal operation of the mobile phone would include communication between the phone and the network including, e.g., location updates.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alanara and Smith et al to include the above

permanent connection to the network in order to allow a user to be contacted at any time.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox
December 18, 2005

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